

**VAN HOVEN DECL.  
ISO OPPOSITION TO INTUITIVE'S  
MOTION TO REOPEN DISCOVERY**

**EXHIBIT 3**

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 SAN FRANCISCO DIVISION

5 - - - - -x  
6 SURGICAL INSTRUMENT SERVICE COMPANY, INC.,  
7 Plaintiff,  
8 -against-  
9 INTUITIVE SURGICAL, INC.,  
10 Defendant.

11 - - - - -x  
12 Virtual Zoom Deposition  
13 March 6, 2023  
14 8:30 a.m.

15  
16 VIRTUAL VIDEO DEPOSITION of JEAN SARGENT,  
17 in the above-entitled action, held at the  
18 above time and place, taken before Jeremy  
19 Richman, a Shorthand Reporter and Notary  
20 Public of the State of New York, pursuant to  
21 the Federal Rules of Civil Procedure, and  
22 stipulations between Counsel.

23  
24 \* \* \*  
25

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2 APPEARANCES:

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14

PRESENT:

15 COREY WAINAINA, Videographer

BILL CRADDOCK, Concierge

16 \* \* \*  
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25

1 J. SARGENT

2 contract ended and today, you read the 11:03:28  
3 letter? 11:03:30

4 A. It could have been before the 11:03:31  
5 contract ended. I don't recall. 11:03:33

6 Q. Okay. And do I also recall 11:03:34  
7 correctly that whenever it was you read 11:03:38  
8 the letter, you did not do anything to 11:03:41  
9 verify the truth or the accuracy or 11:03:43  
10 inaccuracy of the statements by 11:03:46  
11 Intuitive other than talk to 11:03:48  
12 Mr. Johnson; is that right? 11:03:51

13 A. Yes. 11:03:52

14 Q. And sitting here today, am I 11:03:55  
15 right that you have no basis to agree 11:03:58  
16 or disagree with any of the statements 11:04:00  
17 that Intuitive put in that letter; is 11:04:01  
18 that right? 11:04:05

19 A. I disagreed with statements 11:04:08  
20 in that letter. 11:04:10

21 Q. Okay. You're not offering 11:04:11  
22 any opinion in this matter as to 11:04:13  
23 whether statements in that matter were 11:04:16  
24 true or not, right? 11:04:17

25 A. My opinions are inclu -- all 11:04:19

1 J. SARGENT

2 inclusive of everything that I've got 11:04:26  
3 in my reports. And the letter itself, 11:04:29  
4 as I had stated previously, I thought 11:04:33  
5 that Intuitive was very bold in their 11:04:35  
6 statements, and it continues along the 11:04:39  
7 Intuitive path of taking advantage of 11:04:42  
8 the hospitals -- for that profit. 11:04:45

9 Q. Let's mark tab 12, please, as 11:04:53  
10 DX234. Let me know, Josh, when that's 11:04:55  
11 popped up. 11:05:13

12 (Exhibit 234, marked for 11:05:21  
13 identification, Bates stamped 11:05:21  
14 SIS000202.) 11:05:27

15 MR. VAN HOVEN: I've got it. 11:05:27

16 Q. Ms. Sargent, do you have 11:05:28  
17 that? 11:05:31

18 A. Yes, I do. 11:05:31

19 Q. What is DX234? 11:05:32

20 A. The Intuitive letter that was 11:05:37  
21 sent to senior leadership of Marin 11:05:39  
22 General Hospital. 11:05:44

23 Q. And this is the letter that 11:05:44  
24 at some point you read between 11:05:46  
25 November 22, 2019, and today, correct? 11:05:48

1 J. SARGENT

2 MR. VAN HOVEN: Objection to 14:45:53  
3 form. 14:45:54

4 A. Not necessarily. There would 14:45:54  
5 not be an even split, but it would be a 14:45:58  
6 split. 14:46:01

7 Q. Have you ever heard of a 14:46:01  
8 company called Medline? 14:46:03

9 A. Yes. 14:46:04

10 Q. Does Medline, that's a much 14:46:05  
11 bigger company than SIS, correct? 14:46:08

12 A. Yes. 14:46:09

13 Q. Let's just assume, for 14:46:09  
14 purposes of this, everything you know 14:46:11  
15 about Medline, just assume for me they 14:46:14  
16 got into the business, and they decided 14:46:18  
17 that they were going to offer the 14:46:19  
18 service of modifying EndoWrist to reset 14:46:20  
19 the usage counter. 14:46:21

20 And they went to Vizient and 14:46:22  
21 they said, We want to offer the 14:46:24  
22 service. They offer the service. And 14:46:26  
23 they offered exactly the same price as 14:46:28  
24 SIS. Who do you think would have more 14:46:31  
25 sales of EndoWrist between SIS and 14:46:33

1 J. SARGENT

2 Medline? 14:46:36

3 MR. VAN HOVEN: Objection to 14:46:37

4 form. 14:46:39

5 A. SIS. 14:46:39

6 Q. Why? 14:46:40

7 A. A lot of people hate Medline 14:46:42

8 as much as they hate Intuitive. 14:46:45

9 Q. Okay. You agree with me, 14:46:47

10 Medline has a lot more sales 14:46:49

11 representatives than SIS? 14:46:50

12 A. They have more sales reps, 14:46:53

13 yes. 14:46:56

14 Q. Does everyone hate Steris and 14:46:56

15 Agility as much as they hate Intuitive? 14:47:00

16 A. A lot of people do hate 14:47:02

17 Steris. 14:47:06

18 Q. What about Agility? 14:47:06

19 A. Agility is a newly formed 14:47:08

20 company that's a conglomeration of many 14:47:11

21 small companies, so it's very 14:47:15

22 different. Steris has been around for 14:47:17

23 many, many years. 14:47:18

24 Q. I want you to assume with me 14:47:19

25 for a minute that SIS is not the entity 14:47:25